

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference TS03-00020	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/JP2004/013813	International filing date (day/month/year) 22.09.2004	Priority date (day/month/year) 09.10.2003
International Patent Classification (IPC) or national classification and IPC Int. Cl. ⁷ A47H13/04, A47H15/02		
Applicant TOSO COMPANY, LIMITED		

<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>4</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input checked="" type="checkbox"/> (sent to the applicant and to the International Bureau) a total of <u>2</u> sheets, as follows:</p> <p><input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>	
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the report</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>	

Date of submission of the demand 02.05.2005	Date of completion of this report 27.07.2005
Name and mailing address of the IPEA/ JP	Authorized officer
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INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/JP2004/013813

Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

- ☐ This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3 and 23.1(b))
 - ☐ publication of the international application (under Rule 12.4)
 - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the **elements** of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 1-8 _____ as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☒ the claims:
- pages 3-7 _____ as originally filed/furnished
- pages* 1, 2, 8 _____ as amended (together with any statement) under Article 19
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☒ the drawings:
- pages 1-9 _____ as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____

- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

Best Available Copy

TRANSLATION

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/JP2004/013813

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims 1-8	YES
	Claims	NO
Inventive step (IS)	Claims 6, 7	YES
	Claims 1-5, 8	NO
Industrial applicability (IA)	Claims 1-8	YES
	Claims	NO

2. Citations and explanations (Rule 70.7)

Citation 1:

Microfilm of the specification and drawings annexed to the request of Japanese Utility Model Application No. 46659/1988 (Laid-open No. 157801/1989)
(Kazuo MINAMI)
31 October, 1989 (31.10.89)
Page 7, Line 11 to page 8, line 6; Figs. 3 to 5
(Family: none)

Citation 2:

JP 2003-235721 A (Takeda Seiki Kabushiki Kaisha),
26 August, 2003 (26.08.03)
Par. Nos. 0015 to 0022; all drawings
(Family: none)

Citation 3:

Microfilm of the specification and drawings annexed to the request of Japanese Utility Model Application No. 135852/1988 (Laid-open No. 57478/1990)
(Toyota Auto Body Co., Ltd.)
25 April, 1990 (25.04.90)
Page 8, Lines 9 to 17; all drawings
(Family none)

Citation 4:

JP 9-327374 A (Toso Co., Ltd.),
22 December, 1977 (22.12.97)
Full text; all drawings
(Family: none)

Citation 5:

Microfilm of the specification and drawings annexed to the request of Japanese Utility Model Application No. 154934/1980 (Laid-open No. 76585/1982)
(Yugen Kaisha Tomoyasu Seisakusho)
12 May, 1982 (12.05.82)
Page 4, Lines 8 to 13; all drawings
(Family; none)

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of: V

Citation 6:

JP 2001-327394 A (Soken Kabushiki Kaisha)

27 November, 2001 (27.11.01)

Claims 1 and 5; Par. No. 0009; all drawings
(Family: none)

The inventions claimed in claims 1, 2, 5 and 8 have no inventive step in view of Citation 1 and either of Citations 2 and 3 in International Search Report and Citation 6 in International Preliminary Report.

According to the invention disclosed in Citation 1, the eyelet 16, as the hook insertion hole section, is apparently perpendicular to the length direction of the curtain rail and has a width enough for hook to be inserted.

It would have been obvious to one of ordinary skill in the art to use the curtain runner disclosed in either of Citations 2 and 3 as one for the curtain disclosed in Citation 1.

It is a discretionary matter of design to essentially equalize the body section of the hook and the hook insertion hole section in width to the length direction and form pins extending forward from the bodu section of the hook.

Even if the hook insertion section is perpendicular to the length direction of the curtain rail and parallel to the curtain surface, according to the invention claimed in claim 1, in Citation 6 is described an art to make the hook insertion section perpendicular to the length direction of the curtain rail and parallel to the curtain surface.

The invention claimed in claim 3 has no inventive step in view of the aforementioned Citations 1 to 3 and 6 and Citations 4 and 5 in International Search Report. It would have been obvious to one of ordinary skill in the art to apply the art disclosed in Citation 4 that the foot section of the curtain hook is made smaller in width than the body section and the other disclosed in Citation 5 that the body section is formed with the opening opposite to the foot section to the curtain hook disclosed in Citation 1, respectively.

The invention claimed in claim 4 has no inventive step in view of the aforementioned Citations 1 to 6. It would have been obvious to one of ordinary skill in the art to apply the art disclosed in Citation 3 to form the projection on the curtain hook to the curtain hook disclosed in Citation 1. In that case, it is discretionary matter of design to form the projection on either the body section or the foot section of the hook.

The inventions claimed in claims 6 and 7 are not obvious to one of ordinary skill in the art, because of being not disclosed by any of Citations 1 to 6.